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10/829,457

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Herve Dallet

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EXAMINER

ULRICH, NICHOLAS S

ART UNIT

PAPER NUMBER

2173

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,457

Applicant(s)

DALLET ET AL.

Examiner

Nicholas S. Ulrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-16 are pending.
2. Claims 1 and 3-14 have been amended.
3. Claim 2 has been cancelled.
4. Claims 15 and 16 have been added.
5. Claims 1-16 are rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 4, 6, 7, 11, 12, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verone et al. (US 2003/0114942) and LeCocq et al. (US 5573502).

In regard to claim 1, Verone discloses an operating terminal for a system of one or more devices comprising:

a display comprising a screen for displaying pages organized in menus and comprising lines for interacting with a system (*Paragraph 0010 lines 3-6: communicates menus to the display unit; and Paragraph 0034 lines 3-6*),

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at least one scroll device for selecting a line (*Paragraph 0034 and 0068: control keys 208, 210, 214, and 212 are all considered scrolls keys for moving around the dialogue application*);

dialogue application means comprising:

internal software for processing dialogue data, displaying dialogue data on lines as text, and managing a display process, wherein (*Abstract lines 11-14, Paragraph 0005 lines 3-7*):

While Verone suggests when at least one line displayed on the display defines two Boolean control actions applicable to at least one device of a system, the line comprises two corresponding Boolean control action symbols representing said Boolean control actions (*Paragraph 0068 and Paragraph 0074: a menu is split up into multiple horizontal regions (lines). There can be multiple regions per line depending on user needs. Verone further discusses a menu that contains boolean control of turning on or turning off a regeneration. It is inherent that both of these options could be located on a single line creating a left and right side wherein one side has the start option and the other side has the abort option*), they fail to explicitly show all the limitations as recited in the claims. LeCocq teaches a control device similar to that of Verone. In addition, LeCocq further teaches when at least one line displayed on the display defines two Boolean control actions applicable to at least one device of a system, the line comprises two corresponding Boolean control action symbols representing said Boolean control actions (*Column 20 lines 44-50*). It would have been obvious to one of ordinary skill in the art, having the teachings of Verone and LeCocq before him at the

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time the invention was made, to modify the dialogue application taught by Verone to include a line of the display defining two Boolean control actions and corresponding symbols of LeCocq, in order to obtain dialogue data on the screen that contains a line defining two Boolean control actions with corresponding symbols. One would have been motivated to make such a combination because Verone suggests that there could be multiple regions per line depending on user needs.

While Verone teaches Boolean control actions and various function keys, they fail to show two of the function keys one on the left and one on the right of the screen, which are used to select Boolean control actions on either side of the screen respectively as recited in the claims. LeCocq teaches a control device similar to that of Verone. In addition, LeCocq further teaches two of the function keys one on the left and one on the right of the screen which are used to select Boolean control actions on either side of the screen respectively (*Column 20 lines 44-50*). It would have been obvious to one of ordinary skill in the art, having the teachings of Verone and LeCocq before him at the time the invention was made, to modify the Boolean control actions and function keys taught by Verone to include one function key on each side of the display for selecting Boolean control actions of LeCocq. One would have been motivated to make such a combination because it is a matter of design choice. It is very well known in the art that function keys can be mapped to particular functions displayed on a screen. It is also very well known in the art that functions displayed on the left of the screen would be controlled by keys located on the left side of the device, and vice versa for the right side.

In regard to claim 3, Verone discloses wherein at least one of the lines comprises a left part and a right part, defining two corresponding control actions, and the corresponding two control action symbols represent of dual functions of the same component in the system of devices (*Paragraph 0068 and Paragraph 0074: a menu is split up into multiple horizontal regions (lines). There can be multiple regions per line depending on user needs. Verone further discusses a menu that contains boolean control of turning on or turning off a regeneration. It is inherent that both of these options could be located on a single line creating a left and right side wherein one side has the start option and the other side has the abort option*).

In regard to claim 4, Verone discloses wherein when a line is selected a visual attribute specific to at least one of the control action symbol is displayed (*Paragraphs 0073 - 0074: Once the regeneration menu has been selected by selecting the correct line on the main menu the screen displays the state of the device as either ON or OFF*).

In regard to claim 6, LeCocq further teaches wherein the Boolean control action triggered by pressing the corresponding function key is of the held type or the single press type (*Column 20 lines 45-50: pressing soft key*).

In regard to claim 7, Verone discloses wherein the Boolean control action triggered by pressing the function key is of the set type or the reset type (*Paragraph*

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0074 lines 8-10: selecting start option starts regeneration (the device is set), selecting abort option stops or resets regeneration that is in progress).

In regard to claim 11, Verone discloses wherein, when a page is displayed, no lines with control action symbols are initially selected, and a control action cannot be activated until the corresponding line has been selected using the scroll device *(Paragraph 0034 lines 9-10: A selector character is displayed to support navigation. It is inherent through Verones invention as a whole that the selector character is used to move to each line of a menu. Once the selector character is positioned on a line, then control is given for performing tasks within that line).*

In regard to claim 12, Verone discloses wherein action symbols and texts of lines include ASCII characters *(Paragraph 0034 lines 4-5 and Paragraph 0071: It should be understood that ascii is very well known in the art and when using a display that is only capable of displaying alphanumeric characters requires the use of ascii characters).*

In regard to claim 14, Verone discloses an operating terminal for a system of one or more devices comprising:

a display comprising a screen for displaying pages organized in menus and comprising lines for interacting with a system *(Paragraph 0010 lines 3-6: communicates menus to the display unit; and Paragraph 0034 lines 3-6),*

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at least one scroll device for selecting a line (*Paragraph 0034 and 0068: control keys 208, 210, 214, and 212 are all considered scrolls keys for moving around the dialogue application*);

dialogue application means comprising:

internal software for processing dialogue data, displaying dialogue data on lines as text, and managing a display process, wherein (*Abstract lines 11-14, Paragraph 0005 lines 3-7*):

While Verone suggests when at least one line displayed on the display defines two Boolean control actions applicable to at least one device of a system, the line comprises two corresponding Boolean control action symbols representing said Boolean control actions (*Paragraph 0068 and Paragraph 0074: a menu is split up into multiple horizontal regions (lines). There can be multiple regions per line depending on user needs. Verone further discusses a menu that contains Boolean control of turning on or turning off a regeneration. It is inherent that both of these options could be located on a single line creating a left and right side wherein one side has the start option and the other side has the abort option*), they fail to explicitly show all the limitations as recited in the claims. LeCocq teaches a control device similar to that of Verone. In addition, LeCocq further teaches when at least one line displayed on the display defines two Boolean control actions applicable to at least one device of a system, the line comprises two corresponding Boolean control action symbols representing said Boolean control actions (*Column 20 lines 44-50*). It would have been obvious to one of ordinary skill in the art, having the teachings of Verone and LeCocq before him at the

time the invention was made, to modify the dialogue application taught by Verone to include a line of the display defining two Boolean control actions and corresponding symbols of LeCocq, in order to obtain dialogue data on the screen that contains a line defining two Boolean control actions with corresponding symbols. One would have been motivated to make such a combination because Verone suggests that there could be multiple regions per line depending on user needs.

While Verone teaches Boolean control actions and various function keys, they fail to show two of the function keys one on the left and one on the right of the screen, which are used to select Boolean control actions on either side of the screen respectively as recited in the claims. LeCocq teaches a control device similar to that of Verone. In addition, LeCocq further teaches two of the function keys one on the left and one on the right of the screen which are used to select Boolean control actions on either side of the screen respectively (*Column 20 lines 44-50*). It would have been obvious to one of ordinary skill in the art, having the teachings of Verone and LeCocq before him at the time the invention was made, to modify the Boolean control actions and function keys taught by Verone to include one function key on each side of the display for selecting Boolean control actions of LeCocq. One would have been motivated to make such a combination because it is a matter of design choice. It is very well known in the art that function keys can be mapped to particular functions displayed on a screen. It is also very well known in the art that functions displayed on the left of the screen would be controlled by keys located on the left side of the device, and vice versa for the right side.

In regard to claim 15, system claims 1 and 14 correspond generally to system claim 15, and recite similar features and therefore are rejected under the same rationale.

In regard to claim 16, Verone discloses wherein the opposite control action comprises at least one of start/stop etc. (*Fig 10a element 102: defines abort and start*).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verone et al. (US 2003/0114942) and LeCocq et al. (US 5573502) and Shteyn (US 6434447 B1).

In regard to claim 5, Verone does not explicitly disclose that the control action symbol is representative of the current state of the Boolean variable but does disclose providing information to a user of the current state (Paragraph 0074 lines 3-4).

However, Shteyn discloses the control action symbol is representative of the current state of the Boolean variable to which the control action is applicable (*Column 10 lines 31-35 and Figure 2 element 210: Shteyn discusses the Boolean operation and shows in figure 2 how the state of the device can be mapped to a one and zero*).

Therefore it would have been obvious at the time of the invention to incorporate the teachings of Shteyn to Verone's and LeCocq inventions in order to provide a more condensed showing of the state of the device within one line on the display device.

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8. Claims 8-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verone et al. (US 2003/0114942) and LeCocq et al. (US 5573502) and Rakoff (US 5886894).

In regard to claims 8, 9, and 10, Verone does not explicitly disclose a increment/decrement action associated with a control action symbol but discusses changing the value of a rate for a port (Paragraph 0063 lines 7-10). Since in Verone's invention he does not disclose a keypad for entering specific digits an increment/decrement function would be needed to vary the rate of the port.

However, Rakoff does disclose an increment/decrement action provided with a corresponding control action symbol (*Fig 20 and Column 18 lines 18-20: Two adjacent buttons are used for stepping from group to group. This shows incrementing to a higher group or decrementing to a lower group. The control action symbols associated with the corresponding function keys are shown in Fig 20 in the first box. A plus for incrementing and a minus for decrementing*).

Rakoff further discloses the left function key is associated with increment and the right function key is associated with decrement (*Fig 20: The first box shows a plus/increment function associated with a left button and a minus/decrement function associated with a right button*).

Rakoff further discloses a terminal characterized by the fact that, when the control action is of the transfer or increment / decrement type, a specific display is attached to the corresponding symbol while the action is being carried out (*Fig 20: The*

first box shows a plus/increment function associated with a left button and a minus/decrement function associated with a right button. Also shown is "%###:\$" which correlates to the selected group. So as the groups are being incremented or decremented, this display will change based on the selected group).

Verone, LeCocq, and Rakoff are analogous art because they are from the same field of endeavor of automation control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rakoff and LeCocq to Verone's invention because one of ordinary skill in the art would be motivated to provide increment/decrement functionality in order to change numeric values without a keypad. Also, it would have been obvious to include a control action symbol to provide necessary direction to the user for performing the increment/decrement function.

In regard to claim 13, Verone discloses the function keys being arranged on the side of the screen and arrows are marked on them (Fig 2 element 214 and 212). Verone and LeCocq both fail to disclose each action symbol comprises an arrow pointing toward the left or towards the right. However, Rakoff discloses a menu that provides for selection utilizing buttons located adjacent the display in locations indicated by the arrows on the menu (*Column 18 lines 5-7 and Figure 10*). Verone, LeCocq, and Rakoff are analogous art because they are from the same field of endeavor of automation control. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Rakoff and LeCocq to

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Verone's invention because one of ordinary skill in the art would be motivated to provide direction for the user as to which soft key will perform the function displayed on the screen.

Response to Arguments

9. Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meyer et al. (US 6522346 B1). In the background section (Column 1 lines 20-30), Meyer discusses how the operation of industrial machines are typically controlled by a central controller which specify Boolean controls for the controlled industrial machine. While Meyer may not disclose all the limitation of the present invention, it does specify that controllers of this nature are well known in the art.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

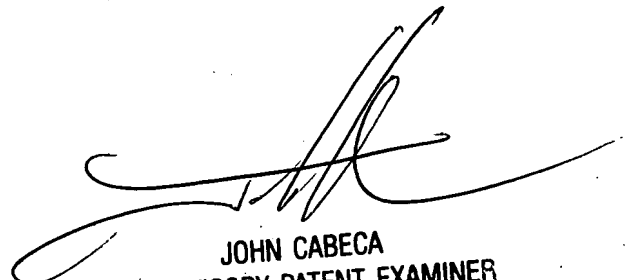
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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8/1/2007
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